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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/839,972

04/20/2001

Eric Bodnar

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EXAMINER

PHAN, HUY Q

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/839,972	Applicant(s) BODNAR ET AL.	
	Examiner Huy Q. Phan	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-36, 41-49, 54-57 and 59-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-36, 41-49, 54-57 and 59-62 is/are allowed.
- 6) ☒ Claim(s) 63-68 and 71 is/are rejected.
- 7) ☒ Claim(s) 69 and 70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments


1. In view of the APPEAL BREF filed on 10/29/2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


GEORGE ENG
SUPERVISORY PATENT EXAMINER

2. Applicant's arguments, see APPEAL BREAf filed on 10/29/2007, with respect to the rejection of claims 33-36, 41-49, 54-57 and 59-62 have been fully considered and are persuasive.

3. Applicant's arguments, see APPEAL BREAf filed on 10/29/2007, with respect to the rejection of claims 63-71 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 63-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (US-6,636,259).

Regarding claim 63, Anderson discloses a method facilitating uploading ("upload", see col. 1, lines 19-23) of user data ("images") from a user-operated device ("digital cameras", and fig. 3), the method comprising:

receiving a transfer request ("upload", see col. 3, lines 40-48) from a cellular phone ("the camera 14 could be provided with built-in cellphone-like wireless

communication... for Internet connectivity”, see col. 4, lines 52-56) having a unique device ID (fig. 3, ID 28 and col. 4, lines 9-12), to transfer data (“images”, see col. 3, lines 40-48) to a Web site (“photo-sharing website”, see col. 1, lines 19-23) from the user-operated device;

determining if there is a user account (“account 30”, see col. 4, lines 25-30) associated with the unique device ID (“matches the entity ID 28”, see col. 4, lines 25-30), and if so, associating the user data (“images”) with the user account (col. 4, lines 15-23);

if there is no user account associated with the unique device ID (“if non are found”, see col. 2, lines 42-49), establishing a user account automatically at the particular Web site (“automatically establishing a user account”, see col. 2, lines 35-39), including creating a user identifier (ID) (“an account ID and password” see col. 2, lines 48-49) based, at least in part, on said unique device (“set-up the account information based on the electronic device information”; see 2, lines 42-49); and

upon a first user request for data from the website (“a first-time Internet connection”, col. 10, lines 18-22), receiving the entry of a user defined login and password for providing access to data on the Website (“user ID and password”; see col. 10, lines 18-22), and associating the user defined login and password with the user account (col. 11, lines 20-27).

Regarding claim 64, Anderson discloses the method of claim 63. Anderson further discloses wherein the user-operated device is selected from among the

following: a digital camera, a cellular telephone, a cellular telephone periodically coupled to a digital camera, and a cellular telephone including a digital camera (col. 4, lines 47-67).

Regarding claim 65, Anderson discloses the method of claim 63. Anderson further discloses wherein establishing the user account ("automatically establishing a user account", see col. 2, lines 35-39) occurs upon receiving a first transfer request from the user-operated device ("a first time connection", see col. 2, lines 35-54).

Regarding claim 66, Anderson discloses the method of claim 63. Anderson further discloses wherein establishing the user account ("automatically establishing a user account", see col. 2, lines 35-39) occurs prior to first operation of the user-operated device ("none are found", see col. 2, lines 35-54).

Regarding claim 67, Anderson discloses the method of claim 63. Anderson further discloses wherein said user account is established using provisioning procedure to associate the user account with a unique device ID ("user ID and password"; see col. 10, lines 18-22) assigned to at least one of the user-operated device and the cellular phone ("the camera 14 could be provided with built-in cellphone-like wireless communication... for Internet connectivity", see col. 4, lines 52-56).

Regarding claim 68, Anderson discloses the method of claim 63. Anderson further discloses determining whether at least one of the user-operated device or the cellular phone ("digital cameras" 14, and fig. 3) is an authorized device ("user ID and password"; see col. 10, lines 18-22) prior to storing the images on the Web site (col. 4, lines 9-46; also see fig. 1 and its description).

Regarding claim 71, Anderson discloses the method of claim 63. Anderson further discloses having a user account ticket, generated, at least in part, from the device ID ("your camera serial number is 38147" col. 11, lines 51-55), the user account ticket used for initially establishing the user account (see cols. 11-13).

Allowable Subject Matter

5. Claims 69 and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance:

Regarding claim 69, the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method of claim 63, further comprising: temporarily saving the user data in a buffered storage module (see applicant's specification [0091]) until the user data is determined to be associated with a particular user account.

Reasons for Allowance

6. Claims 33-36, 41-49, 54-57 and 59-62 are allowed.

The following is a statement of reason for the indication of allowance:

Applicant's arguments, see APPEAL BREAF filed on 10/29/2007, with respect to the rejection of claims 33-36, 41-49, 54-57 and 59-62 have been fully considered and are persuasive.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

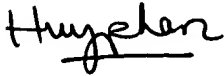
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
09/839,972
Art Unit: 2617

Page 8

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Huy Q. Phan", with a horizontal line drawn underneath the name.

Examiner: Phan, Huy Q.

AU: 2617

Date: 01/17/2008